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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,970	08/28/2001	Paul Trpkovski	44046.103.203.21	6340
22859	7590	02/25/2005	EXAMINER	
			A, PHI DIEU TRAN	
INTELLECTUAL PROPERTY GROUP		ART UNIT		PAPER NUMBER
FREDRIKSON & BYRON, P.A.				3637
200 SOUTH SIXTH STREET				
SUITE 4000				
MINNEAPOLIS, MN 55402				
DATE MAILED: 02/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/940,970	TRPKOVSKI, PAUL
<b>Examiner</b>	<b>Art Unit</b>	
Phi D A	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 December 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,4,7,8,16-18,20-22 and 26-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 4,7,8,16-18 and 20-22 is/are allowed.

6)  Claim(s) 1 and 26-28 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/2/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams Jr. et al (5866260) in view of Merritt (6458440), Rosch et al (4585450) and Bigler (1284997).

Adams Jr. et al (figure 4B) shows a method comprising providing masking material and an adhesive disposed over a first face of the substrate (col 3lines 53-55), providing a pane (18) having a surface, an unmasked apron of the surface of the pane surrounding the protective covering, the unmasked apron being large enough to receive a sash (28) yet small enough that the protective covering protects a portion of the pane not covered by the sash.

Adams et al does not show the step of calculating a number of strips and an overlap dimension for forming a protective covering sized so that an unmasked apron of the surface of the pane will surround the protective covering, forming the covering by applying masking material strips onto the surface of the pane in a sequentially overlapping fashion with each subsequent strip partially overlapping a preceding strip by the overlap dimension, forming a tab by folding the substrate of at least one strip so that a first portion of the substrate overlaps a second portion of the substrate.

Merritt shows a step of forming a protective covering on a glass pane with tabs to enable easy removal of the covering from the glass pane.

Bigler shows the step of covering a large area with sequentially overlapping layers of protective coverings.

Rosch et al shows a tab (36) formed by folding a substrate so that a first portion of the substrate overlaps a second portion of the substrate to form a hand gripping area for removing a strip.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al to show the step of calculating a number of strips and an overlap dimension for forming a protective covering sized so that an unmasked apron of the surface of the pane will surround the protective covering, forming the covering by applying masking material strips onto the surface of the pane in a sequentially overlapping fashion with each subsequent strip partially overlapping a preceding strip by the overlap dimension, forming a tab by folding the substrate of at least one strip so that a first portion of the substrate overlaps a second portion of the substrate because predetermining the required quantity of a covering needed to cover an area by its dimensions and overlapping dimensions is well known in the art as it would enable a person to predetermine the quantity of covering required and thus have the necessary supply available for use and thus save time, and having the covering sequentially overlapping each other would enable the covering of a large area without resorting to a large piece of covering material as taught by Bigler, and having a tab formed by folding the substrate so that at least a portion of the substrate overlapping a second portion of the substrate would enable easy handling of the removal of the covering from an adjacent strip as taught by Rosch et al and Merritt.

3. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams Jr. et al (5866260) in view of Bigler.

Adams Jr. et al shows a method of protecting a masked area of a surface having the steps of providing masking material having a width  $W$ , the protective covering having a plurality of strips, the covering having an unmasked apron on the first surface will surround the protective covering.

Adams Jr. et al does not show the step of providing the width of the masking material to a masking calculator, providing a desired width of the masking area to the masking calculator, calculating a number of strips and an overlap dimension for forming the covering sized so that an unmasked apron of the first surface surrounds the covering, applying the plurality of strips having a width  $W$  to the surface in an overlapping fashion according to the overlap dimension to form a protective covering with an unmasked apron of the first surface surrounding the protective covering, the step of detecting a dimension of the planar surface.

Bigler shows the steps of covering a large area with a protective covering by overlapping a plurality of covering in sequential fashion with each strip partially overlapping a preceding strip by the overlap dimension.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Adams Jr. et al to show the step of providing the width of the masking material to a masking calculator, providing a desired width of the masking area to the masking calculator, calculating a number of strips and an overlap dimension for forming the covering sized so that an unmasked apron of the first surface surrounds the covering, applying the plurality of strips to the surface in an overlapping fashion according to the overlap dimension as taught by Bigler, the

step of detecting a dimension of the planar surface because having the protective covering made of a plurality of strips to cover a large area instead of a large one would enable cost savings per manufacturing and transportation ease, and the use of a calculator, a computer etc...to calculate an optimum result per a certain dimension of a covering is well-known in the art as it helps provide quick accurate calculations and thus cost savings.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 26-28 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 4, 7-8, 16-18, 20-22 are allowed.

1. The following is a statement of reasons for the indication of allowable subject matter: prior art does not show the second adhesive having substantially greater adhesion than the first adhesive in combination with other claimed limitations.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different tab means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136, or 571-272-6864 only after April 07, 2005. The examiner can normally be reached on Monday-Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

2/21/05